

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73326 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

NOOR HASAN ANSARI SON OF HASNAIN ANSARI @ HASANEN
MIYAN RSIDENT OF VILLAGE - LEDARI, P.S.- CHAND, DISTRICT -
KAIMUR AT BHABHUA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard Mr. Parwej Khan, learned Counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is an accused in connection with
Bhagwanpur P.S. Case No. 171 of 2023 (arising out of N.D.P.S.
Case No. 51 of 2023) registered for the offences under sections
8(c), 21(b) (ii) (B) and 29 of the N.D.P.S. Act lodged on
13.06.2023 by the informant, Sheopujan Manjhi.

3. As per the prosecution story, upon secret information
about selling/smuggling of the ‘ganja’, the vehicles intercepted,
the accused apprehended and it is alleged that 4 kg 110 gm ‘ganja’
was/were recovered from the motorcycle. Accordingly, the
FIR/arrest.

4. Learned Counsel for the petitioner submits that he
has been implicated in this case merely on suspicion and the
motorcycle does not belong to him. Further, the alleged
recovery/seizure is below the commercial quantity and the co-
accuseds namely, Anubhav Pandey and Niraj Thakur @ Neeraj



Thakur have already been granted bail after framing of the charges in Cr. Misc. No. 49189 of 2023 and Cr. Misc. No. 49828 of 2023 respectively. He submits that so far as this case is concerned, charges have already been framed.

5. Learned APP for the State, on the other hand, opposes the prayer for bail.

6. Taking into account the submissions put forward by the parties as also the fact that he do not have criminal antecedent, is in custody since 14.06.2023 (as stated in paragraph 4 of the bail application), the seized quantity is below the commercial quantity, similar placed co-accuseds have been granted bail after framing of the charge, the same is extended to this petitioner.

7. Let the petitioner be released on bail after framing of the charges, if still not framed on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge 1st cum Special Judge, N.D.P.S., Kaimur at Bhabhua in connection with Bhagwanpur P.S. Case No. 171 of 2023 (arising out of N.D.P.S. Case No. 51 of 2023), subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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